

Ava E. Lias-Booker  
Direct: 410.659.4430

McGUIREWOODS

alias-booker@mcguirewoods.com  
Direct Fax: 410.659.4558

November 17, 2004

The Honorable Marvin J. Garbis  
United States District Court Judge  
United States District Court for the  
District of Maryland  
101 West Lombard Street  
Room 530  
Baltimore, Maryland 21201

Re: *Earle E. Ausherman, et al. v. Bank of America, N.A., et al.*  
Case No. MJG 01-CV-438

Dear Judge Garbis:

This letter is written in response to the Court's October 29, 2004 Order in the above referenced matter. The Order requires that Defendants provide opposing counsel with back up fee information by today November 17, 2004 and with a witness list for the hearing.

With respect to the back up fee information, please note that by letter dated November 11, 2004, Paula Bresnahan requested that Defendants provide back up fee information on or before November 19, 2004. Today, I was contacted by Ms. Bresnahan's associate, and I requested that Defendants have until Monday, November 22, 2004 to produce the requested documents. Ms. Bresnahan's associate could not reach her or Peter Axelrad and therefore could not consent to the extension. I do not anticipate that either Ms. Bresnahan or Mr. Axelrad will object to the request. We will contact the Court if any issues develop.

With respect to witnesses, Defendants understand that Plaintiffs intend to call Michael Moore and Rodney Sweetland as witnesses at the hearing. Defendants intend to designate certain portions of the deposition testimony of Mr. Rodney Sweetland, and plaintiffs taken in this matter. We will submit an exhibit that identifies the deposition testimony on which we will rely on the date for the submission of hearing exhibits (we

The Honorable Marvin J. Garbis  
November 17, 2004  
Page 2

understand that the date set forth in the Order is incorrect and that the date for submission of hearing exhibits should be November 29). We do not anticipate the need to present any live testimony at this time.

Respectfully,

    //s//      
Ava Lias-Booker

ALB/slg

cc: All Counsel of Record